

IN THE CRIMINAL COURT OF DAVIDSON COUNTY, TENNESSEE,
AT NASHVILLE-DIVISION I

STATE OF TENNESSEE

v.

PERRY A. MARCH

Case No. 99-B-1290

FILED
2005 NOV -4 PM 3:42
CLERK
DC

MOTION TO COMPEL DISCOVERY

Comes the Defendant, Perry A. March, by and through his counsel of record, C. Edward Fowlkes, pursuant to Rule 16(c) of the Tennessee Rules of Criminal Procedure and moves that the state provide to the Defendant (or for inspection and copying):

1. All billing records from Levine, Mattson, Orr & Geraciotti evidencing \$3000.00 allegedly owed by Paul Eichol to Levine, Mattson, Orr & Geraciotti.
2. All documentation from Levine, Mattson, Orr & Geraciotti evidencing payments made by Paul Eichel to Levine, Mattson, Orr & Geraciotti including Levine, Mattson, Orr & Geraciotti, specifically deposit records evidencing payments from Paul Eichel beginning July 13, 1995 through the present for any and all work done by Perry March while with Levine, Mattson, Orr & Geraciotti.
3. The contract of employment between Levine, Mattson, Orr and Gericiot and March evidencing that Levine, Mattison, Orr and Gericiot is entitled to any funds collected by Mr. March for work that he alone provided service.

Movant sets as cause therefore that the State alleges in this response to Bill of Particulars that "a check given to Defendant by Paul Eichel for \$3,000.00". This check is dated October 8, 1996,

which is alleged by the state to form the basis of the indictment.

The states request for discovery lists 9 pages of Billings from Levine, Mattson, Orr & Geraciotti to Mr. Paul Eichel's (attached as exhibit 1-9) and a one page summary (attached as Exhibit 10).

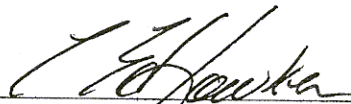
The attached discovery lists billings from July 13, 1995, February 14, 1996, February 16, 1996 and May 13, 1996 all of which appear to have been paid to the firm and split among the various attorneys. The remaining billings dated November 21, 1996 are apparently re-billings and do not reference an account payable but a balance forward. Yet, in November Levine, Mattson, Orr & Geraciotti billed for work done by PAM (Perry A. March) for 6.2 hours on PAM #22-508; 27.70 hours on PAM #22-512; 1.5 hours on PAM #22-520 and 1.9 hours on PAM 513. March left the firm in September of 1996.

Defendant therefore moves that an Order issue ordering the State to provide copies or allowing counsel for the defense to copy (and or receive) all documents necessary to perform an accounting on the "Eichel" account with Levine, Mattson, Orr & Geraciotti including all records, notations, check deposits, computer entries, billings and/or any documentation evidencing that Eichel owed Levine, Mattson, Orr & Geraciotti, as opposed to Mr. March individually and all payments made, all disbursement to attorneys for their various splits on attorney fees, including but not limited to Perry A. March.

The State has indicted on the theory that these funds (the \$3,000.00 check from Eichel to March) were taken from Levine, Mattson, Orr & Geraciotti. It is intrical to the defense to ascertain what, if any, money was owed by Eichel to Levine, Mattson, Orr & Geraciotti and what, if any, would be owed to March and whether documentation exists evidencing that Levine, Mattison, Orr and

Gericiot is entitled to be paid for work performed by Mr. March on behalf of Mr. Eichel's.

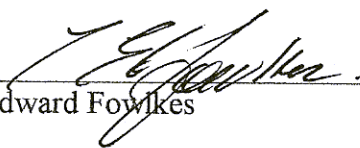
Respectfully Submitted,



C. Edward Fowlkes, #5988
LAWYER FOWLKES
172 Second Avenue North, Suite 210
Nashville, TN 37201-1908
(615) 726-0770

Certificate of Service

I hereby certify that a true and accurate copy of the foregoing Motion was forwarded by U. S. Mail, postage prepaid, **Amy Eisenbeck and Ben Winters**, Assistant District Attorney General, 222 Second Avenue North, Suite 500, Nashville, TN 37201 on this 4 day of November, 2005.



C. Edward Fowlkes

LEVINE, MATTSON, ORR & GERACIOTTI
ATTORNEYS AT LAW

LAWRENCE E. LEVINE
RICHARD W. MATTSON
ROBERT ORR, JR.
MICHAEL A. GERACIOTTI
KATHERINE A. AUSTIN
RICHARD D. MOORE

210 THIRD AVENUE NORTH
POST OFFICE BOX 190683
NASHVILLE, TENNESSEE 37219-0683

PERRY A. MARCH
PETER S. ROSEN
JILL A. HANSON
JOHN D. WOOD
DALE A. TIPPS

FED. I.D. #62-1374299
TELEPHONE (615) 244-4944
TELECOPIER (615) 244-7664

July 13, 1995

Paul Eichel
P. O. Box 210529
Nashville, TN 37221-9998

RE: Various matters

PAM 22-512

FOR PROFESSIONAL SERVICES RENDERED

** BILL **

As per attached statement:

15.75 hours @\$135.00 per hour

\$2,126.25

Total Attorneys Fees:

\$2,126.25

TOTAL AMOUNT DUE

TIME 7/13/95 gbc
PE.BILLS

EICHEL, PAUL

\$2,126.25
- 333.87 Recd 11/30
1,792.38
- 756.33 Recd 3/29
1,036.05

~~PAM~~ 2,126.25
~~1,792.38~~
1,036.05

SPLIT

THOMAS W. MATTSON
ROBERT ORR, JR.
MICHAEL A. GERACIOTI
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RICHARD D. MOORE

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210 THIRD AVENUE, NORTH
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NASHVILLE, TENNESSEE 37219

FED. I.D. #62-1374299
TELEPHONE (615) 244-4944
TELECOPIER (615) 244-7664

February 14, 1996

Mr. Paul Eichel
300 Second Avenue South
Nashville, Tennessee 37201

RE: BIG DADDY'S BOOGIE BUNGALOW

22-513 2/14/96

FOR PROFESSIONAL SERVICES RENDERED

* * BILL * *

22-513

As per attached statement:

PAM 4.00 hours @ \$ 150.00 per hour
PSR 3.30 hours @ \$ 125.00 per hour

Total Attorneys Fees:

\$ 600.00
412.50

\$ 1,012.50

Out of Pocket Expense:

Copies/Postage

Total Out of Pocket Expenses:

\$ 11.55

\$ 11.55

TOTAL AMOUNT DUE

\$ 1,024.05

PAM/A0214

250
PERRY A. MARCH
PETER S. ROSEN
JILL A. HANSON

BIG DADDY'S BO
BUNGALOW/EI

PAM 600
PSR 412.
OPE 11.
1,024

LAWRENCE E. LEVINE
RICHARD W. MATTSO
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FED. I.D. #62-1374299
TELEPHONE (615) 244-4944
TELECOPIER (615) 244-7664

February 16, 1996

PERRY A. MARCH
PETER S. ROSEN
JILL A. HANSON
JOHN D. WOOD
DALE A. TIPPS

Mr. Paul Eichel
Cadillac Ranch, Inc.
300 Second Avenue South
Nashville, Tennessee 37201

* * BILL * *

22-520

FOR PROFESSIONAL SERVICES RENDERED

As per attached statement:

6.25 hours @\$ 150.00 per hour

Total Attorneys Fees:

\$ 937.50

\$ 937.50

Out of Pocket Expense:

Copies/Postage

Total Out of Pocket Expenses:

\$ 8.81

\$ 8.81

946.31

\$ 6.26

BALANCE FROM PRIOR BILL

TOTAL AMOUNT DUE

Paul Eichel
Cadillac Ranch

~~937.50~~

OPE 8.81

946.31

\$ 952.57

2/16/96

22-520

LEVINE, MATTSON, ORR & GERACIOTI

ATTORNEYS AT LAW

210 THIRD AVENUE, NORTH

POST OFFICE BOX 190683

NASHVILLE, TENNESSEE 37219-0683

LAWRENCE E. LEVINE
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RICHARD D. MOORE

PERRY A. MARCH
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JILL A. HANSON
JOHN D. WOOD

FED. I.D. #62-1374299
TELEPHONE (615) 244-4944
TELECOPIER (615) 244-7664

May 13, 1996

Mr. Paul Eichel
300 Second Avenue South
Nashville, Tennessee 37201

RE: BIG DADDY'S BOOGIE BUNGALO

BIG DADDY'S / EICHEL

PAM	487.50
PSR	176.00
FS	20.00
OPE	3.44
	<hr/>
	686.94
	<u>SPLIT</u>
	243.75
5/13/96	
22-513	
	# 22-513

* * BILL * *

FOR PROFESSIONAL SERVICES RENDERED

As per attached statement:

PAM	3.25 hours @ \$ 150.00 per hour	\$ 487.50
PSR	1.60 hours @ \$ 110.00 per hour	176.00
FS	0.25 hours @ \$ 80.00 per hour	20.00

Total Attorneys Fees:

\$ 683.50

Out of Pocket Expense:

Copies/Postage

\$ 3.44

Total Out of Pocket Expenses:

\$ 3.44

BALANCE FROM PRIOR BILL

686.94

\$ 1,024.05

TOTAL AMOUNT DUE

\$ 1,710.99

LEVINE, MATTSON, ORR & GERACIOTI
ATTORNEYS AT LAW

210 THIRD AVENUE, NORTH

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NASHVILLE, TENNESSEE 37219-0683

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RICHARD D. MOORE

PETER S. ROSEN
JILL A. HANSON
JOHN D. WOOD

A & E / EICHEL

TELEPHONE (615) 244-4944

TELEFAX (615) 244-2004

November 21, 1996

Mr. Paul Eichel
c/o Music City Mix Factory
300 Second Avenue
Nashville, TN 37201

PAM 418.50
RWM 418.50
FSS 1,117.50
OPS 144.74
2,099.24

[SPLIT]

RE: A & E

22-508

11/21/96

** FINAL BILL **

PAM 22-508

FOR PROFESSIONAL SERVICES RENDERED

As per attached statement:

PAM 6.20 hours @\$135.00 per hour
C:FS 14.90 hours @\$75.00 per hour

Total Attorneys Fees:
Out of Pocket Expense:

\$ 837.00
1,117.50

\$1,954.50

Postage/copies
Filing Fees

\$ 44.74
100.00

Total Out of Pocket Expenses

\$ 144.74

TOTAL AMOUNT DUE

\$2,099.24

PAM 418.50
RWM 418.50
FSS 1,117.50
OPS 144.74
2,099.24

LEVINE, MATTSON, ORR & GERACIOTI

LAWRENCE E. LEVINE
RICHARD W. MATTSON
ROBERT ORR, JR.
MICHAEL A. GERACIOTI
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POST OFFICE BOX 190683

NASHVILLE, TENNESSEE 37219-0683

FED. I.D. #62-1374289

TELEPHONE (615) 244-4944

TELECOPIER (615) 244-7664

November 21, 1996

Mr. Paul Eichel
c/o Music City Mix Factory
300 Second Avenue
Nashville, TN 37201

RE: Various/Personal

**** FINAL BILL ****

PAM 22-512

PAM 1,869.75
RWM 1,869.75
FCS 367.50
OPE 158.06

4,265.06

SPLIT

22-512

11/21/96

(F)

FOR PROFESSIONAL SERVICES RENDERED

As per attached statement:

PAM 27.70 hours @\$135.00 per hour
C:FS 4.90 hours @\$75.00 per hour

\$3,739.50
367.50

Total Attorneys Fees:
Out of Pocket Expense:

\$4,107.00

Postage/copies
Filing Fees

\$ 58.06
100.00

Total Out of Pocket Expenses

\$ 158.06

TOTAL AMOUNT DUE THIS INVOICE

\$4,265.06

Balance outstanding from 7/13/95 invoice

\$1,036.05

TOTAL AMOUNT DUE

\$5,301.11

PAM 1,869.75
RWM 1,869.75
FCS 367.50
OPE 158.06

LEVINE, MATTSON, ORR & GERACIOTI

ATTORNEYS AT LAW

210 THIRD AVENUE, NORTH

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DALE A. TIPPS

MARGARET MOORE

LAWRENCE E. LEVINE
RICHARD W. MATTSON
ROBERT ORR, JR.
MICHAEL A. GERACIOTI
KATHERINE A. AUSTIN
RICHARD D. MOORE

November 21, 1996

Mr. Paul Eichel
c/o Music City Mix Factory
300 Second Avenue
Nashville, TN 37201

RE: Cadillac Ranch

PAM 22-520

** FINAL BILL **

FOR PROFESSIONAL SERVICES RENDERED

As per attached statement:

PSR 1.50 hours @\$110.00 per hour

\$ 165.00

Total Attorneys Fees:

\$ 165.00

TOTAL AMOUNT DUE THIS INVOICE

\$ 165.00

Balance outstanding on 2/16/96 invoice

\$ 946.31

Balance outstanding on 5/13/96 invoice

1,713.31

TOTAL AMOUNT DUE

\$2,824.62

CADILLAC RANCH/EICHEL

PSR 165.00

~~PSR~~

LEVINE, MATTSON, ORR & GERACIOTI

ATTORNEYS AT LAW

210 THIRD AVENUE, NORTH

POST OFFICE BOX 190683

NASHVILLE, TENNESSEE 37219-0683

FED. I.D. #82-1374299

TELEPHONE (615) 244-4944

TELECOPIER (615) 244-7664

November 21, 1996

BIG DADDY'S BOOGIE
BUNGALOW / EICHEL

PSA 209.00
OPE .55
209.55

Mr. Paul Eichel
c/o Music City Mix Factory
300 Second Avenue
Nashville, TN 37201

RE: Big Daddy's Boogie Bungalow

22-513

11/21/96

(E)

** FINAL BILL **

PAM 22-513

OR PROFESSIONAL SERVICES RENDERED

As per attached statement:

SR 1.90 hours @\$110.00 per hour

Total Attorneys Fees: \$209.00

Out of Pocket Expense: \$209.00

Postage

Total Out of Pocket Expenses \$.55

\$.55

TOTAL AMOUNT DUE THIS INVOICE

\$209.55

Balance outstanding on 2/14/96 invoice

Balance outstanding on 5/13/96 invoice

\$1,024.05

686.94

TOTAL AMOUNT DUE

\$1,920.54

LEVINE, MATTSON, CARR, JR.

ATTORNEYS AT LAW

210 THIRD AVENUE, NORTH

POST OFFICE BOX 190683

NASHVILLE, TENNESSEE 37219-0683

FED. I.D. #82-1374289

TELEPHONE (615) 244-4944

TELECOPIER (615) 244-7664

November 21, 1996

MUSIC CITY MIX FACTORY
EICHEL

~~PAM~~ 1,455.00

RWM 1,515.00

PSR 3,652.00

CLK 37.50

OPE 155.52

6,815.02

SPLT

22-514 11/21/96

RE: Music City Mix Factory

PAM 22-514

** INTERIM BILL **

PROFESSIONAL SERVICES RENDERED

per attached statement:

M 19.40 hours @\$150.00 per hour
VM .40 hours @\$150.00 per hour
R 33.20 hours @\$110.00 per hour
.50 hours @\$ 75.00 per hour

\$2,910.00

60.00

3,652.00

37.50

\$6,659.50

Attorneys Fees:

Out of Pocket Expense:

Postage/copies

Mileage

\$ 14.62

140.90

\$ 155.52

Total Out of Pocket Expenses

TOTAL AMOUNT DUE

\$6,815.02

~~PAM~~ 1,455.00
RWM 1,515.00
PSR 3,652.00
CLK 37.50
OPE 155.52
6,815.02

10

PAUL EICHEL FILES		
LMOG File No.	Invoice Date	Amount Due
22508	11/21/96	
22513	02/14/96	2,099.24
22513	05/13/96	1,024.05
22513	11/21/96	686.94
22520	02/16/96	209.55
22520	05/13/96	946.31
22520	11/21/96	1,713.31
22512	07/13/95	165.00
22512	11/21/96	1,036.05
22514	11/21/96	4,265.06
TOTAL OUTSTANDING		4,076.02
		16,221.53